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May 15, 2018

The Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: United States v. Jason Galanis et al  
16-cr-0371-4 (RA)

Dear Judge Abrams:

I represent defendant Bevan Cooney in the above-captioned matter and in light of Your Honor's Order earlier today, I respectfully write the Court to explain to the Court with great regret reasons which make it impossible for Mr. Cooney to be present at tomorrow's last pre-trial conference. We apologize for not raising this issue at the previous conference. It was our understanding, as per this Court's prior order dated Oct 17, 2016, that:

Pursuant to Rule 43 of the Federal Rules of Criminal Procedure, Mr. Bevan Cooney ("Mr. Cooney") hereby waives his right to be present in open court for any conference or hearing in this case, including the status conference set for November 4, 2016, the time that the case is ordered set for trial, when a continuance is ordered, or when any other action is taken by the Court, before or after trial, except upon arraignment, plea, empanelment of a jury, trial, and imposition of a sentence.  
(Dkt. 82)

The Court has routinely granted Mr. Cooney permission to waive his presence on all previous dates in accordance with the above Order and we did not anticipate the Court's insistence that Mr. Cooney be present at tomorrow's conference. As the Court is aware, Mr. Cooney is currently a resident of Missoula, Montana where he lives with his father and he recently filed for bankruptcy. After the Court's decision to adjourn the April 30, 2018 trial date to May 22, 2018, Mr. Cooney re-purchased his airline tickets and he is scheduled to arrive on Sunday, May 20, 2018. See attached documentation. At this juncture, on the eve of tomorrow's court appearance, Mr. Cooney cannot afford to purchase an additional airline ticket, even if it were logistically possible to do so which it is not given his remote location and severe weather conditions currently in the New York area. There are no direct flights

from where Mr. Cooney is currently residing to the New York area and there is a two hour time difference. I was in court until late this afternoon in front of Judge Jesse M. Furman and this is the first opportunity I had to respond to the Court's Order after consulting with Mr. Cooney. We apologize for any inconvenience to the Court and Mr. Cooney is available to join the conference by phone or via any other remote presence solutions the Court can provide.

Respectfully submitted,

/S/

Paula J. Notari  
Attorney for Bevan Cooney

cc: ALL parties (ECF)